

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 2432 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE A.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

DHARAMSINH CHANDRABHUSANSINH PARIHAR

Versus

STATE OF GUJARAT

Appearance:

MR RAJESH M AGRAWAL for Petitioner

Mr.K.T. Dave, A.P.P for the State.

CORAM : MR.JUSTICE A.K.TRIVEDI

Date of decision: 24/06/1999

ORAL JUDGEMENT

Heard learned Advocate Mr. Divetia on behalf of
Mr. R.M. Agrawal for the petitioner.

Rule. Mr. K.T. Dave, ld. A.P.P. waives service of
rule on behalf of the respondent-State.

The petitioner has prayed for appropriate modification of the condition imposed by the ld. Addl. Sessions Judge, Court no.3, Ahmedabad in Criminal Misc. Application no.3015/97 vide his order dated 2nd January, 1998 whereby the surety of the petitioner was directed to deposit Rs.10,000-in cash in Court.

It is submitted at the Bar that deposit of cash amount by a surety is too harsh a condition for compliance and imposition of such condition would amount to refusal of bail.

The petitioner has, therefore, prayed for necessary modification. Ld. A.P.P. Mr. K.T. Dave has fairly consented to the grant of modification. Considering the statement by the learned A.P.P. and looking to the facts and circumstances of the case, the condition to the effect that the surety of the petitioner shall deposit Rs.10,000/- in cash in the Court vide order deated 2nd January, 1998 passed by the ld. Addl.Sessions Judge, Court no.3, Ahmedabad in the proceedings of Criminal Misc. Application no.3015/97 stands deleted and to that extent the said order stands modified.

Rule is made absolute accordingly. Direct service is permitted.

(A.K.Trivedi,J.)

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